HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 10460 OF 2005

Dated 20-09-2005

Between:

1. A. Shiva Raj, presently working as Senior Assistant, Office of the Executive Engineer, R.W.S., Nagerkurnool, Mahabubnagar District and others.

…….Petitioners.

And:

1. The Secretary to Government, Government of Andhra Pradesh, Panchayat Raj & Rural Development (Estt. V) Department, Secretariat Buildings, Hyderabad and others.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioners against the order passed in O.A. No. 6466 of 2000 dated 10-09-2004 by the A. P. Administrative Tribunal Hyderabad.

The Writ petitioners are the applicants and the respondents herein are the respondents before the Tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicants filed an application under section 19 of the Administrative Tribunals Act, 1985 in O.A.No.6466 of 2000 seeking to set aside the Memo. No.25733/Estt. V/A3/98-8 dated 21-07-2000 of the 1st respondent rejecting the claim of the applicants for regularisation of their services as Junior Assistants from the dates of their appointments in March, 1986, by holding the same as illegal and arbitrary and consequently seeking a

direction to the respondents to regularise their services from the dates of their appointments as Junior Assistants under the control of the respondents. The Tribunal having observed that the applicants are covered by the G.O. Ms. No.193, which is given only prospective effect and if the regularization of the applicants is set aside, it is the applicants who would be put to loss, dismissed the O. A. Aggrieved by the same, the applicants filed the present writ petition

Heard both sides. We have perused the material available on record.

The case of the applicants is that they were originally appointed on stipendiary basis as Junior Assistants in March, 1986 and their services were regularized as per G.O. Ms. No.193, GAD (Ser-A) Department, dated 14-3-1990. But they do not come under the purview of the said G.O. as it relates only to the daily wage employees and not to the clerical cadre like Junior Assistants, and their services have to be regularized from March, 1986 and therefore, they sought setting aside the orders issued in 1991 regularising the services of the applicants w. e. f. 14-03-1990.

The issue involved in this case is whether the G.O. in question is applicable to the applicants or not. The applicants are covered by the G.O. in question which is given only prospective effect as rightly observed by the Tribunal. In this regard, as a matter of fact , the applicants have not challenged the G.O.Ms.No:193. Even otherwise, in case the said G.O. is set aside, it is the applicants only who will be put to much hardship as rightly observed by the tribunal. Therefore, we do not find any illegality or irregularity in the order passed by the Tribunal and the same does not warrant any interference by this Court and accordingly, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

_____

Justice T. MEENA KUMARI

Date: 20th September, 2005

_____

Justice P. LAKSHMANA REDDY

Dvs/nn

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO.10460 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 20-09-2005